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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,899	11/18/2003	Julie Snedeker	66116-034-7	3976
25269	7590	05/17/2005	EXAMINER	
			HOEY, ALISSA L	
		ART UNIT		PAPER NUMBER
				3765

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/714,899	SNEDEKER, JULIE
	<b>Examiner</b>	<b>Art Unit</b>
	Alissa L. Hoey	3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 9-11 is/are rejected.
- 7) Claim(s) 2-8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to amendment received 02/28/05. Claims 1, 2, 3, 6 and 10 have been amended and claim 11 has been newly added. Drawing changes have been received and are accepted by the examiner. Claims 1-11 have been finally rejected below.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: claim 3 has been amended to depend from claim 1 instead of claim 2, there is antecedent basis problems for the claimed terminology when not dependent upon claim 2. Appropriate correction is required.

3. Claim 3 is objected to because of the following informalities: there is no antecedent basis for "said first stitching and "said side edges of said outer and inner layers of said first front panel". Appropriate correction is required.

4. Claim 4 is objected to because of the following informalities: there is no antecedent basis for "said first stitching and "said side edges of said outer and inner layers of said first front panel". Appropriate correction is required.

5. Claim 5 is objected to because of the following informalities: there is no antecedent basis for "said first stitching", "said side edge" and "said inner layer". Appropriate correction is required.

6. Claim 6 is objected to because of the following informalities: there is no antecedent basis for "the outer layer of said second front panel", "the inner layer of said

second front panel" and "the inner side edges of said outer and inner layer of said second front panel". Appropriate correction is required.

7. Claim 7 is objected to because of the following informalities: there is no antecedent basis for "the side edges of said outer and inner layers of said second front panel". Appropriate correction is required.

8. Claim 8 is objected to because of the following informalities: there is no antecedent basis for "said inner side edge of said inner layer of said second front panel". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the originally filed disclosure that the fifth and sixth fasteners of the liner engage when worn separately.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3765

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge (US 5,127,106) in view of Gershman (Velcro digest).

In regard to claim 1, Aldridge teaches a rescue coat (10) which comprises an outer shell (18) which includes a first front panel having first and second vertical fastener halves (74, 54), a second front panel having third (76) and fourth (54) vertical fastener halves and a removable jacket liner (44, 42) having fifth (52) and sixth (52) vertical fastener halves. One of the first and third (74, 76) vertical zipper halves including a first slider (72) for interengaging or disengaging the first (74) and third (76) zipper halves. The first and third zipper halves (74, 76) and the first slider (72) defining a closure zipper for the coat. One of the second (54, 52) the fifth fastener halves including a second fastener for interengaging and disengaging the second and fifth vertical fastener halves (54, 52). The second and fifth fastener (54, 52) halves and the second fastener defining a first liner fastener for the coat and one of the fourth and sixth fastener (54, 52) halves including a third hook and loop fastener for interengaging and disengaging said fourth and sixth fastener halves (54, 52). The fourth and sixth fastener halves and the third hook and loop fastener defining a second liner fastener for the coat (figure 4). The first front panel including a first material strip (56) which provides a first vertical flap that covers an inside of the first liner fastener (52, 54). The second front panel including a second material strip (58) which provides a second vertical flap which covers the inside of the second liner fastener (52, 54). Further, Aldridge teaches the fifth

Art Unit: 3765

and sixth vertical fastener halves being disengaged to enable the removable jacket liner to be worn as a separate garment (see abstract).

At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the fifth and sixth vertical zipper halves engaging each other because Applicant has not disclosed that the fifth and sixth fasteners being engageable with each other provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the fifth and sixth fasteners being engageable with each other or not because as long as the fifth and sixth fasteners are separable from the outer layer of the jacket and the liner can be worn separately there is no disclosure that the fifth and sixths fasteners need to engage each other. Therefore, it would have been an obvious matter of design choice to modify Aldridge in view of Gershman to obtain the invention as specified in claim 1.

However, Aldridge teaches the liner fasteners being hook and loop fasteners and not zipper fasteners.

Gershman teaches the equivalent and interchangeability of hook and loop fasteners and zipper fasteners (see article).

It would have been obvious to have provided the fastening system of Aldridge with the zipper fastener of Gershman, since the fastening system of Aldridge provided with the zipper fasteners for attaching and reattaching the liner to the outer shell would provide a secure fastening system that is secure due to the fact that zipper fasteners

have to be perfectly lined up to be secured together avoiding a fastener being non-fully secured.

13. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge and Gershman in view of Chang (US 6,668,384).

Aldridge and Gershman teach a fastening system as described above in claim 1. However, Aldridge and Gershman fail to teach a first and second weather flap attached to the first and second front panels to cover the first and third zipper halves when interconnected to close the coat and the flaps being attached together by hook and loop fasteners. Aldridge does teach one flap attached to the second front panel to cover the first and third zipper and the flap being secured by hook and loop fastening means.

In regard to claim 9, Chang teaches a jacket (figure 4) having first and second weather flaps attached to the first and second front panels to cover the front zipper closure of the jacket (figure 5).

It would have been obvious to have provided the fastening system of Aldridge and Gershman with the second flap located on the first front panel of Chang, since the fastening system of Aldridge and Gershman provided with a second flap on the first front panel would provide for even more protection to the front zipper closure from the elements.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge in view of Gershman and Grilliot (US 6,728,970).

In regard to claim 11, Aldridge teaches a rescue coat (10) which comprises an outer shell (18) which includes a first front panel having first and second vertical

fastener halves (75, 54), a second front panel having third (76) and fourth vertical fastener (54) halves and a removable jacket liner (44, 42) having fifth and sixth vertical fastener halves (52). One of the first and third vertical zipper halves (74, 76) includes a first slider (72) for interengaging or disengaging the first and third zipper halves (74, 76). The first and third zipper halves (54, 52) defining a closure fastener for the coat. One of the second and fifth fastener halves interengaging and disengaging the second and fifth vertical fastener halves. The second and fifth fastener halves defining a first liner fastener for the coat. One of the fourth and the sixth fastener halves including a third fastening means for integrating and disengaging the fourth and sixth fastener halves (54, 52). The fourth and sixth fastener halves and the third fastening means defining a second liner fastener for the coat (figure 4). The first front panel including a first material strip (56) which provides a first vertical flap that covers an inside of the first liner fastener (52, 54). The second front panel including a second material strip (58) which provides a second vertical flap which covers an insides of the second liner fastener.

However, Aldridge fails to teach the first and second front panels of the outer shell including respective outer and inner layer. When the coat is closed the outer layer of the first panel front panel defines a side edge which faces the second front panel. The inner layer of the first front panel defines a side edge facing the second front panel. First stitching interconnects the side edges of the outer and inner layers of the first front panel. Further, Aldridge fails to teach the liner fastener being hook and loop fasteners and not zipper fastener.

Gershman teaches the equivalent and interchangeability of hook and loop fasteners and zipper fasteners (see article).

It would have been obvious to have provided the fastening system of Aldridge with the zipper fastener of Gershman, since the fastening system of Aldridge provided with the zipper fasteners for attaching and reattaching the liner to the outer shell would provide a secure fastening system that is secure due to the fact that zipper fasteners have to be perfectly lined up to be secured together avoiding a fastener being non-fully secured.

Grilliot teaches a rescue coat having first and second front panels of the outer shell including respective outer and inner layers. When the coat is closed the outer layer of the first panel front panel defines a side edge which faces the second front panel (figure 5). The inner layer of the first front panel defines a side edge facing the second front panel (figure 5). First stitching interconnects the side edges of the outer and inner layers of the first front panel (column 2, lines 29-36).

It would have been obvious to have provided the rescue coat of Aldridge and Gerhsman with the inner and outer layer of Grilliot, since the coat of Aldridge and Gershman having a double outer layer would provide a rescue coat that not only provides the wearer protection but also allow the wearer the ability to change the coats appearance based on a need for high or low visibility.

#### ***Allowable Subject Matter***

15. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims. Further, claims 3-8 would be allowable over prior art if dependent back to claim 2.

***Response to Arguments***

16. Applicant's arguments filed 02/28/05 have been fully considered but they are not persuasive. Applicant's remarks have been reviewed by the Examiner and discussed below.

I) Applicant argues that there is no basis in Aldridge or Gershman concluding that the zipper fasteners used in place of the Velcro fasteners would still be covered on the inside by the material strip.

Examiner disagrees since Aldridge teaches Velcro fasteners covered on the inside by material strips (see Aldridge figure 4, identifiers 52, 54, 56, 58). Interchanging equivalent Velcro fastener for zipper fasteners with sliders would not change the located or placement of the fasteners. The Velcro fasteners of Aldridge are covered on the inside by material strips and it is inherent that interchanging the Velcro fastener for zipper fasteners would only change the type of fastener not the placement. The zipper fasteners used on Aldridge would be found covered by material strips as the Velcro fasteners of Aldridge are.

II) Applicant argues that the liner of Aldridge could not be removed and used as a garment itself.

Examiner disagrees since Aldridge teaches an inner removable liner (see Aldridge abstract). The fact that the inner liner is removable from the outer shell makes it capable of being worn alone as a separate garment.

III) Applicant argues that it would not be obvious to stitch an inner layer to the outer shell of Aldridge as taught in Grilliot.

Examiner notes that Aldridge teaches an outer layer having one layer and an inner layer having two layers. Grilliot teaches an outer layer that can be sewn together with another layer to form a single layer. The combination of Aldridge with Grilliot takes the double layer inner layer of Aldridge with the double outer layer of Grilliot so that the wearer can have the ability not only to be protected but also provides different appearances for the outer layer based on tactical situations needing high or low visibility.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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